

NO. 25306

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
HAROLD U. JIM, Defendant-Appellant

APPEAL FROM THE DISTRICT COURT OF THE THIRD CIRCUIT,
SOUTH HILO DIVISION
(Citation Nos. 1717350MH to 1717355MH)

ORDER DISMISSING MOTION FOR RECONSIDERATION
FOR LACK OF APPELLATE JURISDICTION
(By: Watanabe, Acting C.J., and Lim, J.)¹

Upon consideration of the Motion for Reconsideration of this court's January 27, 2004 Memorandum Opinion, filed by Defendant-Appellant Harold U. Jim (Jim) on May 20, 2004, we observe that the record on appeal indicates that: (1) copies of the Memorandum Opinion were mailed to Jim at two addresses, one printed on the cover of his opening brief and the other printed on the cover of his reply brief; (2) there is no indication in the record that either copy of the Memorandum Opinion mailed to Jim was returned to the supreme court clerk's office, undelivered; and (3) the Notice and Judgment on Appeal in this case was filed on March 12, 2004.

The filing of the Judgment on Appeal pursuant to Hawai'i Rules of Appellate Procedure Rule 36 is the final act with respect to the merits of a case on appeal, and an opinion of

^{1/} Associate Judge Daniel R. Foley, a member of the panel on this appeal, is currently unavailable to sign but agrees to the order.

this court is not subject to reconsideration or certiorari once judgment on appeal has been entered. McCarthy v. Jaress, 6 Haw. App. 143, 146 n.5, 711 P.2d 1315, 1318 n.5 (1985). Accordingly, we lack jurisdiction to entertain Jim's Motion for Reconsideration and hereby dismiss the motion for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, May 28, 2004.

Harold U. Jim,
defendant-appellant, *pro se*,
on the motion.

Acting Chief Judge

Associate Judge